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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

Conservatorship of the Person and Estate of P.K.

C080206

KATHLEEN R. SYLVIA, as public guardian, etc.,

(Super. Ct. No. LPSQ14037)

Petitioner and Respondent,

v.

P.K.,

Objector and Appellant.

P.K. challenges the appointment of a conservatorship under the Lanterman-Petris-Short Act (Welf & Inst. Code, § 5000 et seq., hereafter LPS Act),¹ contending the evidence was insufficient to support the trial court's finding he was gravely disabled.

¹ Undesignated statutory references are to the Welfare and Institutions Code.

Because the one-year LPS Act conservatorship has terminated by operation of law, we will dismiss the appeal as moot.

I. BACKGROUND

P.K. was diagnosed with paranoid schizophrenia. Temporary conservatorship was granted by the trial court on August 29, 2014. Following a contested trial on November 21, 2014, the trial court found P.K. was gravely disabled as a result of mental disorder and placed him in conservatorship from November 21, 2014, to November 20, 2015. The trial court reasoned there was “strong evidence” indicating P.K. was unable to provide food for himself outside a conservatorship, including P.K.’s inability to plan properly for his food and his inability to keep his weight stable outside the hospital. Pursuant to section 5357, the trial court also prohibited P.K. from: having a driver’s license, entering contracts, refusing medical treatment regarding his grave disability, refusing routine medical treatment unrelated to his grave disability, and possessing a firearm.

P.K. filed a notice of appeal on December 9, 2014, but the notice was not received by the superior court appeals division until September 9, 2015, and was not served on this court until September 11, 2015. P.K.’s appointed counsel requested and received five extensions of time for the opening brief, and the case was fully briefed on May 31, 2016.

On November 20, 2015, the conservatorship terminated by operation of law. Prior to the case being fully briefed, the public guardian petitioned to reappoint a conservator for P.K. After a hearing on November 20, 2015, the trial court granted the petition for reappointment from November 20, 2015, to November 19, 2016.²

² Respondent filed a motion requesting that we take judicial notice of the November 20, 2015, order reappointing a conservator for P.K. P.K. did not oppose the request. We deferred ruling on the request for judicial notice and now grant it. (Evid Code, § 452; Cal. Rules of Court, rule 8.252(a)(2).)

II. DISCUSSION

P.K. contends there was insufficient evidence in support of the trial court's finding he was gravely disabled and unable to provide food for himself. He further argues the issue is not moot.

An appellate court only decides actual controversies and will not render opinions “ ‘ ‘ ‘ upon moot questions . . . which cannot affect the matter in issue in the case before it.’ ” ’ ’ ’ (*Giles v. Horn* (2002) 100 Cal.App.4th 206, 227.) An appellate court will dismiss an appeal as moot if events subsequent to the judgment or order appealed from prevent the appellate court from granting any effectual relief, and the appeal does not raise an issue of public interest which is likely to recur. (*Ibid.*; *Conservatorship of G.H.* (2014) 227 Cal.App.4th 1435, 1439.)

Under the LPS Act, “[a] conservator . . . may be appointed for a person who is gravely disabled as a result of a mental health disorder.” (§ 5350.) A person is “gravely disabled” if he, “as a result of a mental health disorder, is unable to provide for his or her basic needs for food, clothing, or shelter.” (§ 5008, subd. (h)(1)(A).) An LPS Act conservatorship “automatically terminate[s] one year after the appointment of the conservator.” (§ 5361.) While this appeal was pending, the conservatorship terminated by operation of law and the conservator was reappointed.

Despite P.K.'s contentions, his appeal raises only fact-specific claims that the record does not contain substantial evidence to support the orders made here. These issues are particular to this case and not of continuing public interest. (See, e.g., *MHC Operating Limited Partnership v. City of San Jose* (2003) 106 Cal.App.4th 204, 215.) As a result, we decline to address the merits of the appeal.

III. DISPOSITION

The appeal is dismissed as moot.

/S/

RENNER, J.

We concur:

/S/

BUTZ, Acting P. J.

/S/

HOCH, J.